

# **Exhibit B**



FACSIMILE COVER SHEET

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From: Marissa Molé and Christopher LaVigne  
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No. pages (including cover sheet): 4

Date sent: November 2, 2007

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To: Alan Kaufman, Esq.  
James M. Keneally, Esq.  
Don D. Buchwald, Esq.

Fax: 212-808-7897

Re: *United States v. Edwin Henriquez*, 06 Cr. 1014 (AKH)

\*\*\*\*\*

Message:

Please see attached.



United States Attorney  
Southern District of New York

The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007

November 2, 2007

*By Facsimile (w/o encls.)*  
*By Federal Express (w/ encls.)*

Don D. Buchwald, Esq.  
Alan Kaufman, Esq.  
James Kenealley  
Kelley Drye & Warren LLP  
101 Park Avenue  
New York, NY 10178-0002

Re: United States v. Edwin Henriquez,  
S13 06 Cr. 1014 (AKH)

Dear Counsel:

The Government submits this letter in response to your letters of October 23 and October 26, 2007.

First, the Government is aware of its continuing obligations under Rule 16, and has produced, and will continue to produce, materials that it is required to produce pursuant to that rule. The Government will further provide material under *Giglio v. United States*, 405 U.S. 150, 154 (1972), and its progeny, in a timely manner prior to trial. The Court has already ordered that all 3500 material be produced to the defendants a full week prior to the December 3, 2007 trial. The Government also recognizes its obligations under *Brady v. Maryland*, 373 U.S. 83 (1963), and its progeny. To date, the Government is unaware of any *Brady* material regarding your client, but will provide timely disclosure if any such material comes to light.

Additional identifications have been made of your client and are enclosed with this letter. The first two photographic line-ups (marked with today's date and control numbers 96 and 97) were done by one witness, and the second two photographic line-ups (marked with today's date and control numbers 98 and 99) were done by a second witness.

With respect to the witness who did not identify your client in the one photo presented to him/her (10/17/07 p. 82), that is not *Brady* material, as you have contended. This witness has in no way indicated that your client *was not* committing a crime. Rather, this witness has merely failed to recognize the defendant in one particular photo. This is, at most, *Giglio* material for that specific witness. Moreover, based on other identifying information provided by this same witness, this witness inculpates your client, and in no way exculpates him.

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In your letters, you have made several requests for more specific information related to this case. Although the Government does not believe that additional disclosures are required pursuant to Rule 16 or otherwise, we will attempt to address some of the issues you have raised here.

With respect to the 924(c) count against your client, as the dates in the superseding indictment indicate, this count is not based on one specific incident or one specific firearm. (You will recall, however, that seven firearms were recovered from the Fenton Avenue heroin mill alone, as further disclosed in prior discovery.) The Government will not be alleging that the defendant used a firearm.

With respect to the locations of the various heroin mills, you already have photos of several mills, as produced with the October 2, 2007 discovery letter (pp. 772-779). These mills were located in the vicinity of the following locations in the Bronx:

<u>Page</u>	<u>Mill Location:</u>
772	911 E. 223 <sup>rd</sup> Street (near Paulding)
773	Ely (near 232 <sup>nd</sup> Street)
774	3014 Olinville Avenue
775	2204 Light Street
776	963 E. 223 <sup>rd</sup> Street (near Paulding)
777	653 E. 235 <sup>th</sup> Street
778	3425 Edson Avenue
779	4343 Wilder Avenue

We are also producing with this letter a photo of one additional mill (marked with today's date and control number 100), which was located in the vicinity of Mickle Avenue in the Bronx. We are further producing with this letter a CD of images taken in the vicinity of 918 E. 217<sup>th</sup> Street, Bronx, New York, in or about October 2005 (marked with today's date and control number 101).

You have also asked about fingerprint tests. As indicated in our letter of October 2, 2007, the fingerprint test information can be found on pages 808-854, produced with that letter.

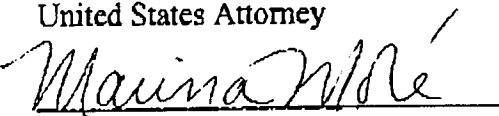
The Government currently intends to call at least two expert witnesses at trial, and will write separately to provide its formal notice of those experts.

Please feel free to contact us with any questions.

Very Truly Yours,

MICHAEL J. GARCIA  
United States Attorney

By:

  
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Encl.